

MONTGOMERY

Montgomery Extra Section

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County Council Turns to Attorney General in Dispute With Board

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The Montgomery County Council has fired back in the battle over whether Inspector General **Thomas Dagley** has the right to investigate county school system operations.

The disagreement between the council and the school board over the inspector general's authority was prompted by Dagley's report in February on the Seven Locks Elementary School site in Potomac. In his report, Dagley questioned whether the school system's decision to build an elementary school on Kendale Road, rather than adding space to the current Seven Locks site, was the most financially responsible choice. The report also accused the school system of misrepresenting community support for the Kendale Road plan.

As a result of Dagley's report, plans to build on Kendale Road were temporarily shelved while both bodies looked into the matter. After a series of public hearings, the Kendale Road plan was abandoned and a new one — to add capacity to two elementary schools, Bells Mills and Seven Locks — was adopted.

In a 10-page letter to the state attorney general, senior legislative attorney **Michael E. Faden** outlined legal arguments in support of the council's position that the school system, like other county agencies, is subject to scrutiny, noting that "MCPS did not object to previous exercises of the Inspector General's authority to examine its operations. Only when one of the Inspector General's reports became too critical — cut too close to the bone, as it were — did MCPS summon its lawyers to repel this trespasser."

But some school board members argue that Dagley's audit was not like previous investigations because the process was adversarial, not cooperative. They also said that although Dagley called his work a financial audit, the final product did not match the state education code's definition of one. School system officials maintain that the inspector general's investigative authority does not apply to their operations because they are a state, not county, agency and therefore not subject to the local legislation that authorizes the inspector general to conduct audits.

Faden argues in his letter that the inspector general's work does not interfere with school system operations or the school board's ability to do its work. The issue, he says, is accountability. School system operations are the single largest expenditure in the county budget, and Faden argues that the council and the public have a right to know where the money goes.

"MCPS is not immune from public and Council scrutiny," Faden wrote. "As its reaction to the report may indicate, the Board of Education might prefer less outside scrutiny from the Council or anyone else. But the Board's preference does not define the larger public interest. The applicable State law should not be construed to restrict, rather than enhance, public scrutiny of large school systems' finances and operations."

It is now up to the attorney general to make a final determination in the matter.

Contract Chatter

With school board elections set for this fall, it seems that Superintendent **Jerry D. Weast** is thinking about his future. With his four-year contract set to expire in March, there's chatter that the schools chief is pushing current school board members to make a strong statement of support as he undergoes his yearly evaluation process.

But he won't be able to secure a new contract prior to the election, which will usher in at least two new faces — incumbents **Charles Haughey** (At Large) and **Gabe Romero** (Gaithersburg) are not running for reelection. Maryland law prohibits school boards from officially entering into contracts until Feb. 1 of the year in which a contract expires.

However, there is precedent for early board action when it comes to Weast. In July 2001, the school board announced its intention to renew Weast's contract even though it did not expire until 2003 (there was a school board election in 2002). Board members said the action was necessary to prevent other school systems from wooing Weast away.

Still, Weast dismissed such talk when questioned after Monday night's board meeting. "Not a story," he said.

An Eloquent Finale

It was one of **Sebastian Johnson's** legislative priorities for the 2005-06 school year. And at his last meeting as student representative on the county school board Monday night, he scored what might be called a compromise victory.

At issue: whether middle schoolers should be allowed to have cellphones at school. Under current rules, only high school

students in the county have been allowed to carry phones (with certain restrictions) to school. Some middle school students are allowed to have phones on campus, but only after receiving a waiver. Johnson — with a push from his constituents — was hoping to modify that rule.

Despite the objections of middle school principals and school security staff, the Montgomery Blair senior eloquently argued his point, proposing a plan that would end the waiver process and allow students to have the phones but keep them in their lockers during the school day. He noted that although cellphones are prohibited on middle school campuses without a waiver, many kids carry them anyway.

Board member **Patricia O'Neill** (Bethesda-Chevy Chase), who several years ago helped lobby in Annapolis for the law that allowed high schoolers to carry cellphones, was supportive but cautious.

In the end her suggestion — to allow a pilot program at two to three middle schools during the coming school year with a report on the results next summer — won approval.

Costlier Lunches

The price of school lunches is going up.

The school board, citing increased costs, raised the price of lunch in elementary schools by 30 cents, from \$1.95 to \$2.25, and by 45 cents in secondary schools, from \$2.05 to \$2.50. Breakfast for students will increase 25 cents to \$1.25. The new prices go into effect Aug. 28, the first day of school.